

STATEMENT OF PURPOSE

RS21290C1

Idaho Code 19-4902 is being amended to clarify the language related to a petitioner entering a guilty plea and to establish a standardized biological evidence preservation law for Idaho. Evidence preservation in this bill is limited to felony offenses in which fingerprint or DNA testing may be requested.

Currently, there is no uniform standard for the preservation of biological evidence in Idaho. There are at least ten different policies throughout the State. This bill will provide such a standard.

This bill would also allow the State of Idaho to apply for federal grant funding for assistance in DNA testing of crime scene evidence. The relevant federal program now requires that a state "preserves biological evidence secured in relation to the investigation or prosecution of a State offense of forcible rape, murder, or non-negligent manslaughter under a State statute, local ordinances, or State or local rules, regulations, or practices, in a manner intended to ensure that reasonable measures are taken by all jurisdictions within the State to preserve such evidence." This bill would provide the necessary statutory requirements to comply with this federal guideline.

FISCAL NOTE

There would be no impact to the General Fund. There would probably be no impact to local government since all local law enforcement agencies already preserve biological evidence. There would be either minimal savings or minimal costs depending on the jurisdiction. In the majority of other states, there has been little or no fiscal impact.

Contact:

Name: Representative Phil Hart

Office:

Phone: (208) 332-1000